M. GALE LEMMON #4363
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
Attorneys for Utah Insurance Department
160 East 300 South, Fifth Floor
P.O. Box 14974
Salt Lake City, UT 84114-0874
Telephone (801) 366-0375

# BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

COMPLAINANT: : NOTICE OF INFORMAL : ADJUDICATIVE PROCEEDING

UTAH INSURANCE DEPARTMENT : AND ORDER

RESPONDENT:

FARMERS NEW WORLD LIFE : Docket No. 3203

INSURANCE COMPANY :

ATTN: COMPLIANCE MANAGER : Enf. Case No. 2012-128 HL

**3003 77**<sup>TH</sup> **AVE SE** 

MERCER ISLAND WASHINGTON 98040

:

Utah Company Id. No.: 321

The Utah Insurance Department has commenced this informal adjudicative proceeding

pursuant to Utah Code Annotated §§ 31A-2-201 and 63G-4-201 and Utah Administrative Code

Rule R590-160. Based upon information contained in agency files or known to the

Commissioner, the Commissioner makes the following:

#### FINDINGS OF FACT

- 1. Respondent is an insurer domiciled in the State of Washington and authorized to do the business of insurance in the State of Utah, Utah Company Identification No. 321.
- 2. Respondent is an insurer that markets Long Term Care Insurance Policies and was required, under Utah Administrative Code Rule R590-148-25, to electronically file its Replacement and Lapse Report, its Claims Denial Report, its Rescission Report, and its Suitability Report on or be June 30<sup>th</sup>, of each year.
- 3. Respondent failed to electronically file its Replacement and Lapse Report, its Claims Denial Report, its Rescission Report, and its Suitability Report on or before June 30, 2012, and said reports have not been filed as of the date of this Order.

Having entered his Findings of Fact, the Commissioner now enters his:

#### **CONCLUSION OF LAW**

- In failing to electronically file its Long Term Care Reports on or before June 30, 2012,
   Respondent violated Utah Admin. Code Rule R590-148-25.
- 2. Pursuant to Utah Code Annotated § 31A-2-308, the commissioner may impose an administrative forfeiture on an insurer of up to \$5,000.00 for each violation of the Utah Insurance Code.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commissioner now enters the following:

#### **ORDER**

#### IT IS HEREBY ORDERED:

- 1. Respondent is assessed an administrative forfeiture in the amount of \$1500.00. Said forfeiture shall be paid no later than ten (10) days after the date this Order becomes final.
- 2. This Order shall become final fifteen (15) days after the date of mailing unless a written request for a hearing is received from the Respondent in the offices of the department prior to that date. A written request for a hearing shall be signed by the person making the request and shall state the basis for the relief requested.

DATED THIS 14 th day of August, 2012.

NEAL T. GOOCH INSURANCE COMMISSIONER

MARK KLÉINFIELD, J.D.

ADMINISTRATIVE LAW JUDGE

Utah Insurance Department

State Office Building, Room 3110

Salt Lake City, Utah 84114

Telephone (801) 538-3800

#### **NOTIFICATION**

If you request a hearing regarding this matter, the department will be represented by M. Gale Lemmon, Assistant Attorney General, 160 East 300 South, Fifth Floor, P.O. Box 140874, Salt Lake City, Utah 84114-0874, Telephone Number (801) 366-0375. Failure to request a hearing will be considered a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including forfeitures of up to \$5,000.00 per violation and the suspension or revocation of your license, and the filing of an action in District Court, which may impose forfeitures of up to \$10,000.00 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

## **CERTIFICATE OF MAILING**

I do hereby certify that on this date I mailed, by regular mail, postage prepaid a true and correct copy of the attached:

## NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING AND ORDER

To the following:

### **Farmers New World Life Insurance Company**

Attn: Compliance Manager 3003 77<sup>th</sup> Ave SE Mercer Island, WA 98040

DATED this 23 Rd day August, 2012

Linda Hardy

Market Conduct

Utah Department of Insurance

State Office Building, Room 3110

Salt Lake City, UT 84114-6901

## UTAH Invoice - Original

Printed Date: August 14, 2012 Invoice Date: August 14, 2012 Balance Due: \$1,500.00

Due Date: September 08, 2012

Invoice ID: 594735 NAIC ID: 63177 Payor ID: 321

TAX COMPLIANCE MANAGER FARMERS NEW WORLD LIFE INSURANCE COMPANY 3003 77TH AVE SE MERCER ISLAND WA 98040

**Item Description** 

8/14/2012 Monetary Penalty Company

E-Case 3203 Docket 2012-128 HL

**Payments Received** 

Amount

\$1,500.00

Original Amount Due

\$1,500.00

**Balance Due** 

# UTAH Invoice - Original

Invoice Date: August 14, 2012
Balance Due: \$1,500.00

Due Date: September 08, 2012

Invoice ID: 594735 Payor ID: 321

Payor Name: FARMERS NEW

WORLD LIFE INSURANCE COMPANY

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department 3110 State Office Building Salt Lake City, UT 84114-6901